



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FIREMAN'S FUND INSURANCE CO.,

Plaintiff,

- against -

UNITED VAN LINES, LLC,

Defendant.  
-----X

07 Civ. 9504 (VM)

CONDITIONAL  
ORDER OF DISCONTINUANCE

**VICTOR MARRERO, United States District Judge.**

Counsel for defendant, on behalf of the parties, having notified the Court, by letter dated November 13, 2007, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

**ORDERED**, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The conference scheduled for November 16, 2007 is canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

**SO ORDERED.**

Dated: NEW YORK, NEW YORK  
14 November 2007



Victor Marrero  
U.S.D.J.



Attorneys At Law

GEORGE W. WRIGHT  
& ASSOCIATES, LLCGeorge W. Wright\*  
Narinder S. Parmar\*\*  
Peter J. Fabriele\*\*

November 13, 2007

Lisa Waxman Davis^†  
Kevin Foley\*†**VIA FACSIMILE (212-805-6382)**Hon. Victor Marrero, U.S.D.C.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007**Re: Fireman's Fund Insurance Co., a/s/o  
Charles Mays v. United Van Lines, LLC  
Civil Action No. 1:07-cv-09504 (VM)  
Our File No. 11670**

Honorable Sir:

We are counsel for defendant United Van Lines, LLC. and are pleased to report that this matter has been settled between the parties.

We respectfully request that the case management conference scheduled for November 16, 2007 be cancelled.

We will file a Stipulation of Dismissal shortly as soon as the settlement funds and closing papers are exchanged between counsel.

Thank you for your attention and consideration.

Respectfully submitted,

  
George W. Wright

GWW:drs

cc. Alfred J. Will, Esq. (Via Facsimile (516-877-2230))

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